(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

W.P. No.1276 of 2002

Petitioner

Shobhitram Hirwani, son of Budhram Sahu, aged about 30 years, Ex.-Panchayat Secretary, Gram Panchayat, Pateli, Vikas Khand, Dondee, Distt : Durg (Chhattisgarh)

Vs.

Respondents

1. The State of Chhattisgarh, Through : Secretary, Panchayat and Rural Development Department, D.K.Bhawan, Raipur, Dist : Raipur (C.G.)
2. Chief Executive officer, Janpad Panchayat, Dondee, Dist : Durg (Chhattisgarh)
3. Sarpanch, Village Panchayat, Pateli, Vikas Khand, Dondee, Dist : Durg (Chhattisgarh)

Present : Dr. Shailesh Ahuja, counsel for the petitioner.
Shri Sanjay S. Agrawal, Government Advocate for the State/respondent No.1.

ORAL ORDER
(Passed on 19th March, 2007)

Merely based on the resolution passed by the Gram Panchayat, the services of the petitioner, who was working as Secretary in the said Gram Panchayat, has been terminated by the respondents by order dated 8-5-2002. This action of the respondents is questioned by the petitioner as arbitrary and in violation of the principles of natural justice. Therefore, a request is made to set aside the impugned order and permit the petitioner to continue in service as the Secretary in the Gram Panchayat.

(2) I have carefully perused the resolution passed by the Gram Panchayat and also the impugned order dated 8-5-2002. There is no whisper in the impugned order that the respondents had held any enquiry before terminating the services of the petitioner.

(3) Before terminating the services of a regular employee, the respondents ought to have held a proper enquiry in accordance with the principles of natural justice or in accordance with the rules. Without holding such an enquiry, the services of the petitioner could not have been terminated by the respondents. This action of the respondents is not only arbitrary but also in violation of the principles of natural justice.

(4) Accordingly, the writ petition is allowed. The impugned order dated 8-5-2002 is quashed. Ordered accordingly.